

1 The Honorable Robert J. Bryan
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CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
DEPUTY	

6 UNITED STATES DISTRICT COURT FOR THE
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9
10 UNITED STATES OF AMERICA,

NO. CR15-274RJB

11 Plaintiff,

PLEA AGREEMENT

12 v.

13 BRUCE LORENTE,

14 Defendant.

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16
17 The United States of America, by and through Annette L. Hayes, United States
18 Attorney for the Western District of Washington, and Matthew P. Hampton, Assistant
19 United States Attorneys, BRUCE LORENTE, and his attorneys, Colin Fieman and
20 Mohammad Hamoudi, enter into the following Plea Agreement, pursuant to Federal Rule
21 of Criminal Procedure 11(c)(1)(B):

22 1. **The Charge.** Defendant, having been advised of the right to have this
23 matter tried before a jury, agrees to waive that right and enter a plea of guilty to the
24 following charge contained in the Indictment: Possession of Child Pornography, as
25 charged in Count 2, in violation of Title 18, United States Code, Section 2252(a)(4) and
26 (b)(2).

1 By entering a plea of guilty, the Defendant hereby waives all objections to the
 2 form of the charging document. The Defendant further understands that before entering
 3 his plea of guilty, he will be placed under oath. Any statement given by the Defendant
 4 under oath may be used by the United States in a prosecution for perjury or false
 5 statement.

6 The United States further agrees to dismiss any remaining counts at the time of
 7 sentencing.

8 **2. Elements of the Offense.** The elements of the offense of Possession of
 9 Child Pornography, as charged in Count 2, in violation of Title 18, United States Code,
 10 Section 2252(a)(4) and (b)(2), are as follows:

11 *First*, the defendant knowingly possessed matter that the defendant knew
 12 contained visual depictions of minors engaged in sexually explicit conduct;

13 *Second*, the defendant knew each visual depiction contained in the matter was of
 14 minors engaged in sexually explicit conduct;

15 *Third*, the defendant knew that production of such visual depictions involved the
 16 use of a minor engaged in sexually explicit conduct; and

17 *Fourth*, each visual depiction had been either transported in interstate or foreign
 18 commerce, or produced using material that had been transported in interstate or foreign
 19 commerce by computer or other means.

20 **3. The Penalties.** Defendant understands that the statutory penalties
 21 applicable to Count 2, Possession of Child Pornography, are as follows: Imprisonment
 22 for up to twenty (20) years, a fine of up to \$250,000, a period of supervision following
 23 release from prison of between five (5) years and life, a special assessment of \$100, and a
 24 \$5000 penalty assessment unless the Court determines the Defendant is indigent. The
 25 Defendant agrees that the special assessment shall be paid at or before the time of
 26 sentencing.

1 The Defendant understands that supervised release is a period of time following
 2 imprisonment during which he will be subject to certain restrictive conditions and
 3 requirements. The Defendant further understands that if supervised release is imposed
 4 and he violates one or more of the conditions or requirements, the Defendant could be
 5 returned to prison for all or part of the term of supervised release that was originally
 6 imposed. This could result in the Defendant serving a total term of imprisonment greater
 7 than the statutory maximum stated above.

8 The Defendant understands that as a part of any sentence, in addition to any term
 9 of imprisonment and/or fine that is imposed, the Court may order the Defendant to pay
 10 restitution to any victim of the offense, as required by law.

11 The Defendant further understands that a consequence of pleading guilty may
 12 include the forfeiture of certain property either as a part of the sentence imposed by the
 13 Court, or as a result of civil judicial or administrative process.

14 The Defendant agrees that any monetary penalty the Court imposes, including the
 15 special assessment, fine, costs, or restitution, is due and payable immediately and further
 16 agrees to submit a completed Financial Statement of Debtor form as requested by the
 17 United States Attorney's Office.

18 **4. Increased Maximum Penalty.** Defendant further understands that in order
 19 to invoke the statutory sentence for the offense charged in Count 2, the United States
 20 must prove beyond a reasonable doubt that the offense charged in this count involved a
 21 visual depiction of a prepubescent minor or a minors under the age of twelve (12)
 22 engaged in sexually explicit conduct. Defendant expressly waives the right to require the
 23 United States to make this proof at trial and stipulates as a part of this plea of guilty that
 24 the offense charged in Count 2 involved a visual depiction of a prepubescent minor or a
 25 minor under the age of twelve (12) engaged in sexually explicit conduct.

26 **5. Rights Waived by Pleading Guilty.** The Defendant understands that by
 27 pleading guilty, he knowingly and voluntarily waives the following rights:
 28

1 a. The right to plead not guilty and to persist in a plea of not guilty;

2 b. The right to a speedy and public trial before a jury of his peers;

3 c. The right to the effective assistance of counsel at trial, including, if

4 the Defendant could not afford an attorney, the right to have the Court appoint one for

5 him;

6 d. The right to be presumed innocent until guilt has been established

7 beyond a reasonable doubt at trial;

8 e. The right to confront and cross-examine witnesses against the

9 Defendant at trial;

10 f. The right to compel or subpoena witnesses to appear on his behalf at

11 trial;

12 g. The right to testify or to remain silent at trial, at which trial such

13 silence could not be used against the Defendant; and

14 h. The right to appeal a finding of guilt or any pretrial rulings.

15 6. **Forfeiture of Assets.** Pursuant to Title 18, United States Code, Section

16 2253, the Defendant agrees to forfeit to the United States immediately the Defendant's

17 right, title, and interest in any and all property, real or personal, that was used or intended

18 to be used to commit or to promote the commission of the offenses, and any visual

19 depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, or

20 any book, magazine, periodical, film, videotape, or other matter which contains any such

21 visual depiction, which was produced, transported, mailed, shipped or received in

22 violation of Title 18, United States Code, Chapter 110, including but not limited to, the

23 following assets:

24 a. One Western Digital external hard drive;

25 b. One Lenovo Thinkpad laptop computer;

26 c. Three Dell laptop computers; and

1 d. Any and all images of child pornography, in whatever format and
2 however stored.

3 With respect to computers, digital devices, and digital or electronic media, the
4 Defendant agrees to forfeit the items and all files, data, and other contents of the items.

5 7. **Statement of Facts.** The parties agree on the following facts. Defendant
6 admits he is guilty of the charged offense:

7 Beginning on a date unknown, and continuing until in or about July 2015, in
8 Seattle, Washington, within the Western District of Washington, BRUCE LORENTE
9 used the Internet to view and download image and video files containing depictions of
10 minors engaging in sexually explicit conduct. LORENTE has been viewing child
11 pornography regularly since at least the year 2000.

12 On July 28, 2015, LORENTE possessed several digital devices—including those
13 identified above in Paragraph 6—containing more than 4,000 images and 100 videos
14 depicting child pornography. These depictions involved actual children. These
15 depictions showed toddlers, prepubescent minors, and pubescent minors engaging in
16 sexually explicit conduct, including sadistic and masochistic conduct and sexual acts with
17 animals.

18 These images include an image file titled 174471.jpg showing a close up of the
19 vaginal area of a girl between two and eight years old. An adult male hand is shown
20 spreading apart the child's labia and an adult penis is shown partially inserted into the
21 child's vagina.

22 All of these images and videos were produced using materials that had been
23 shipped and transported in interstate or foreign commerce.

24 8. **United States Sentencing Guidelines.** The Defendant understands and
25 acknowledges that the Court must consider the sentencing range calculated under the
26 United States Sentencing Guidelines and possible departures under the Sentencing
27 Guidelines together with the other factors set forth in Title 18, United States Code,

1 Section 3553(a), including: (1) the nature and circumstances of the offense; (2) the
 2 history and characteristics of the Defendant; (3) the need for the sentence to reflect the
 3 seriousness of the offense, to promote respect for the law, and to provide just punishment
 4 for the offense; (4) the need for the sentence to afford adequate deterrence to criminal
 5 conduct; (5) the need for the sentence to protect the public from further crimes of the
 6 defendant; (6) the need to provide the Defendant with educational and vocational
 7 training, medical care, or other correctional treatment in the most effective manner; (7)
 8 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the
 9 need to avoid unwarranted sentence disparity among defendants involved in similar
 10 conduct who have similar records. Accordingly, the Defendant understands and
 11 acknowledges that:

12 a. The Court will determine the applicable Sentencing Guidelines
 13 range at the time of sentencing;

14 b. After consideration of the Sentencing Guidelines and the factors in
 15 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the
 16 maximum term authorized by law;

17 c. The Court is not bound by any recommendation regarding the
 18 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
 19 range offered by the parties or the United States Probation Department, or by any
 20 stipulations or agreements between the parties in this Plea Agreement; and

21 d. The Defendant may not withdraw his guilty pleas solely because of
 22 the sentence imposed by the Court.

23 9. **Acceptance of Responsibility.** At sentencing, if the Court concludes the
 24 Defendant qualifies for a downward adjustment acceptance for acceptance of
 25 responsibility pursuant to USSG § 3E1.1(a) and the Defendant's offense level is 16 or
 26 greater, the United States will make the motion necessary to permit the district court to
 27 decrease the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b),

1 because the Defendant has assisted the United States by timely notifying the United
 2 States of his intention to plead guilty, thereby permitting the United States to avoid
 3 preparing for trial and permitting the Court to allocate its resources efficiently.

4 **10. Sentencing Recommendations of the Parties.** The government agrees to
 5 recommend a total term of imprisonment of not more than seventy-two (72) months. The
 6 Defendant understands and acknowledges that this recommendation is not binding upon
 7 the Court and that the Court is free to impose any sentence up to the statutory maximum.
 8 Defendant also understands and acknowledges that the government is free to recommend
 9 whatever it believes is appropriate with respect to any other aspects of the sentence.

10 **11. Ultimate Sentence.** The Defendant acknowledges that no one has
 11 promised or guaranteed what sentence the Court will impose.

12 **12. Registration as a Sex Offender.** The Defendant stipulates and agrees that
 13 based on the Sex Offender Registration and Notification Act, Title 42, United States
 14 Code, Section 16911 et seq., he is entering a plea of guilty to a sex offense and is a sex
 15 offender as those terms are defined in the Act. The Defendant further agrees that
 16 pursuant to the Act, he is required to register as a sex offender, and keep the registration
 17 current, in each jurisdiction where the Defendant resides, is an employee, and is a
 18 student. The Defendant further agrees that for initial registration purposes only, the
 19 Defendant is required also to register in the jurisdiction in which the Defendant is
 20 convicted if such jurisdiction is different from the jurisdiction of residence.

21 **13. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
 22 the United States Attorney's Office for the Western District of Washington agrees not to
 23 prosecute the Defendant for any additional offenses known to it as of the time of this
 24 Agreement, and to dismiss the remaining charges, that are based upon evidence in its
 25 possession at this time, and that arise out of the conduct giving rise to this investigation.
 26 In this regard, the Defendant recognizes the United States has agreed not to prosecute all
 27 of the criminal charges the evidence establishes were committed by the Defendant solely

1 because of the promises made by the Defendant in this Agreement. The Defendant
 2 agrees, however, that for purposes of preparing the Presentence Report, the United States
 3 Attorney's Office will provide the United States Probation Office with evidence of all
 4 conduct committed by the Defendant.

5 The Defendant agrees that any charges to be dismissed before or at the time of
 6 sentencing were substantially justified in light of the evidence available to the United
 7 States, were not vexatious, frivolous or taken in bad faith, and do not provide the
 8 Defendant with a basis for any future claims under the "Hyde Amendment," Pub. L. No.
 9 105-119 (1997).

10 **14. Breach, Waiver, and Post-Plea Conduct.** The Defendant agrees that if
 11 the Defendant breaches this Plea Agreement, the United States may withdraw from this
 12 Plea Agreement and the Defendant may be prosecuted for all offenses for which the
 13 United States has evidence. The Defendant agrees not to oppose any steps taken by the
 14 United States to nullify this Plea Agreement, including the filing of a motion to withdraw
 15 from the Plea Agreement. The Defendant also agrees that if the Defendant is in breach of
 16 this Plea Agreement, the Defendant has waived any objection to the re-institution of any
 17 charges in the Indictment that were previously dismissed or any additional charges that
 18 had not been prosecuted.

19 The Defendant further understands that if, after the date of this Plea Agreement,
 20 the Defendant should engage in illegal conduct, or conduct that violates any conditions of
 21 release or the conditions of his confinement, (examples of which include, but are not
 22 limited to, obstruction of justice, failure to appear for a court proceeding, criminal
 23 conduct while pending sentencing, and false statements to law enforcement agents, the
 24 Pretrial Services Officer, Probation Officer, or Court), the United States is free under this
 25 Plea Agreement to file additional charges against the Defendant or to seek a sentence that
 26 takes such conduct into consideration by requesting the Court to apply additional
 27 adjustments or enhancements in its Sentencing Guidelines calculations in order to
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1 increase the applicable advisory Guidelines range, and/or by seeking an upward departure
 2 or variance from the calculated advisory Guidelines range. Under these circumstances,
 3 the United States is free to seek such adjustments, enhancements, departures, and/or
 4 variances even if otherwise precluded by the terms of the plea agreement.

5 **15. Waiver of Appeal and Rights to Collateral Attack.** The Defendant
 6 acknowledges that by entering the guilty plea required by this Plea Agreement, the
 7 Defendant waives all rights to appeal from his conviction and any pretrial rulings of the
 8 Court. The Defendant further agrees that, provided the Court imposes a custodial
 9 sentence that is not greater than seventy-two (72) months, the Defendant waives to the
 10 full extent of the law:

11 a. any right conferred by Title 18, United States Code, Section 3742, to
 12 challenge, on direct appeal, the sentence imposed by the Court, including any fine,
 13 restitution order, probation or supervised release conditions, or forfeiture order (if
 14 applicable); and

15 b. any right to bring a collateral attack against the conviction and
 16 sentence, including any restitution order imposed, except as it may relate to the
 17 effectiveness of legal representation.

18 This waiver does not preclude the Defendant from bringing an appropriate motion
 19 pursuant to 28 U.S.C. § 2241, to address the conditions of his confinement or the
 20 decisions of the Bureau of Prisons regarding the execution of his sentence.

21 If the Defendant breaches this Plea Agreement at any time by appealing or
 22 collaterally attacking (except as to effectiveness of legal representation) the conviction or
 23 sentence in any way, the United States may prosecute the Defendant for any counts,
 24 including those with mandatory minimum sentences, that were dismissed or not charged
 25 pursuant to this Plea Agreement.

26 **16. Voluntariness of Plea.** The Defendant agrees that he has entered into this
 27 Plea Agreement freely and voluntarily and that no threats or promises, other than the
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1 promises contained in this Plea Agreement, were made to induce the Defendant to enter
2 his pleas of guilty.

3 17. **Statute of Limitations.** In the event this Plea Agreement is not accepted
4 by the Court for any reason, or the Defendant has breached any of the terms of this Plea
5 Agreement, the statute of limitations shall be deemed to have been tolled from the date of
6 the Plea Agreement to: (1) thirty (30) days following the date of non-acceptance of the
7 Plea Agreement by the Court; or (2) thirty (30) days following the date on which a breach
8 of the Plea Agreement by the Defendant is discovered by the United States Attorney's
9 Office.

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18. **Completeness of Agreement.** The United States and the Defendant acknowledge that these terms constitute the entire Plea Agreement between the parties. This Plea Agreement binds only the United States Attorney's Office for the Western District of Washington. It does not bind any other United States Attorney's Office or any other office or agency of the United States, or any state or local prosecutor.

Dated this 19th day of April, 2016.


BRUCE LORENTE
Defendant

~~COLIN FIEMAN~~
MOHAMMAD HAMOUDI
Attorneys for Defendant

~~Michael~~ for
MICHAEL DION
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